

REMARKS

Claims 2, 5, 8, 9, and 12-16 are pending in the current application. In an office action dated March 21, 2002, claims 2, 5, 8, 9, and 12-16 were subject to a restriction and election requirement.

In the current amendment, Applicants made an election of claims for prosecution. After giving a due consideration to arguments presented by the office action, Applicants decided to respectfully traverse the restriction requirement presented by the office action.

Claims Election

Applicants elect claims 2, 5, 8, 9, and 12 for prosecution.

Traverse of the Restriction Requirement

The Examiner states that inventions I and II are unrelated because they have different functions and different effects, by referring to MPEP §§ 806.04 and 808.01. However, Applicant respectfully traverses the Examiner's interpretation of these sections. According to MPEP 801.04(A), two inventions have different functions and different effects if they are like the cited examples. One cited example is an article of apparel, such as a shoe or necktie, and a locomotive bearing. Another cited example is a process of painting a house and a process of boring a well. In view of these illustrative unrelated inventions, Applicant respectfully submits that the claims are not unrelated, because they have similar functions (modulation and upconversion) and similar effects (transmitting data).

Additionally, Applicants assert that there will not be a serious burden on the Examiner to examine all claims in the present application, because the claimed limitations in the body of the claims are directed to a single invention.

For the reasons stated above, Applicant respectfully requests the Examiner to withdraw the restriction requirement.



CONCLUSION

All of the issues raised by the office action have been properly accommodated and traversed. Applicants, therefore, respectfully request that the Examiner reconsider the presently outstanding restriction requirement, and that it be withdrawn. It is believed that a full and complete reply has been made to the outstanding Office Action. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Technology Center 2600

Respectfully submitted,

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